

Committee of Adjustment



MEETING DATE: September 15, 2011 – 5:30 p.m.

LOCATION: TOTBM Council Chambers

PREPARED BY: Lori Carscadden
Secretary/Treasurer

Committee members Chairman Robert Waind, David Morgan and Bill Remus were in attendance. Municipal Planning Staff Bryan Pearce and Secretary/Treasurer Lori Carscadden were in attendance.

Call to Order

Chairman Waind called the meeting to Order.

- Approval of Agenda

Moved by: David Morgan

Seconded by: Bill Remus

That the Agenda be approved.

Carried.

- Declaration of Pecuniary Interest – none
- Previous Minutes – August 18, 2011

Moved by: Bill Remus

Seconded by: David Morgan

That the Minutes of August 18, 2011 be adopted.

Carried.

B. Deputations/Presentations: none

C. Minor Variance Applications:

C.1 Application No. A15/2011 Part Lot 18, Concession 12 Applicant: Bill Johnston

Chairman Waind called the meeting to Order and read aloud the applications' purpose and effect of the variance which is to construct a two-storey westerly side yard and rear yard addition onto the existing single detached dwelling. The

proposed addition would be within the minimum required westerly interior side yard setback.

The effect of this variance is to permit the construction of a maximum 42.0 square metre foot print area two-storey addition to the existing single detached dwelling to be located a minimum distance of 3.2 metres from the westerly interior side lot line. It is noted that the lands are zoned Rural Estate Residential (RER(a)) in the Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum interior side yard setback of 7.5 metres for a single detached dwelling within the Rural Estate Residential (RER(a)) Zone. It is noted that, amending By-law 95-8 recognized the existing dwelling's westerly interior side yard setback of 5.6 metres.

The land affected by this application is described as Part Lot 18, Concession 12; Part 1, RP 16R-3594; (687374 18th Sideroad).

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act*. The Notice was provided to the applicant and was posted on the subject property.

Comments were received from the following:

Grey County Planning and Development Dept. – no concerns;

Grey Sauble Conservation Authority – no objection;

TPTBM Engineering & Public Works – no comment;

TOTBM Recreation Dept. – no comment;

TOTBM Planning Dept. – recommends refusal of the minor variance.

Bill Johnston, owner/applicant, was in attendance. Justification for the minor variance was given:

- purchased the property in 1994, in particular for the location and the westerly view;
- exterior renovations have been done, i.e. new siding and roof, and would now like to renovate the inside as their plan is to soon retire and spend more time there;
- side yard is shared with their neighbours to the West;
- it is surmised that the survey indicates that the whole house was probably out of compliance when it was first built as it sits on an angle on the lot;
- it is his understanding that the front porch can extend .5 metres into the front yard and the request is for a 1 foot extension beyond the porch;
- a site plan handout was circulated to all Committee members and a brief review was given;
- the proposed window to face the west was referred to as the 'silo';

Discussion on whether or not moving the proposed addition back towards the

east and to line up with the edge of the existing house would not suffice and eliminate the need of a minor variance. However, it was noted that to do so would lose the view, being one of the main reasons for the variance, due to the trees, and to remove them would not resolve the problem as they do not belong to him, but rather to his neighbours to the West.

Discussion on the definition of a 'bay window' and whether it would suffice rather than the proposed 'silo' type. A 'bay window' is allowed in the former Township Zoning By-law No. 83-40, however a 'flat' surfaced window is not in the applicants plans.

The Planning Staff Report No. PL.11.102 was reviewed by Town staff and the following was noted:

- the lot was created in 1988 by way of a severance;
- Zoning By-law No. 1995-8 was passed to recognize the existing dwellings westerly interior side yard setback of 5.6 metres;
- a further 3.2 metres is not in-keeping with the general intent of the minimum required interior side yard setback;
- the front porch is permitted as long as it does not extend more than 1.5 metres;
- proposed addition is 6.5 metres into the side yard setback and relief has already been given (By-law No. 1995-8);
- proposed addition would appear to create adverse impacts with the spatial separation between the structure and the lot line and more so when approximately half of the proposed addition would be in the side yard setback due to the site location of the existing dwelling;
- landowners to the West have the ability to build on their agricultural lands along the common lot line.

Corrina Giles, neighbour to the West, was in attendance. She stated that she has no problem with the proposed minor variance and does not foresee any impact on her property. Her land is currently sown in corn and will, in all likelihood, remain in some type of crop. As there is already a shed built on her property she does not anticipate any more.

Further discussion on whether or not moving the proposed addition to the East was practical. The applicant thought it would not be of any benefit to them and that they want to minimize the impact on the structure which is an older type farm house. It was thought that anyone driving down the road would not know if the addition was close to the lot line or not, and therefore no significant adverse impacts would be relevant to anyone.

No other members of the public were in attendance to speak either in favour or in opposition to the application. Chairman Waind then closed the Hearing portion of the Public Meeting.

Moved by: Bill Remus

Seconded by: David Morgan

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A15-2011 in order to permit the construction of a maximum 42.0 square metre foot print area two-storey addition to the existing single detached dwelling to be located a minimum distance of 3.2 metres from the westerly interior side lot line on the subject property.

CONDITIONS AND REASONS FOR DECISION:

CONDITIONS:

1. That the two-storey addition to the existing single detached dwelling be constructed substantially in accordance with the drawings submitted to the Town on September 1, 2011 with Minor Variance Application No. A15-2011 as further attached to Planning Staff Report PL.11.102.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, contrary to the Planning Staff Report PL.11.102”. Carried

D. Correspondence: none

E. New & Unfinished Business:

E.1 Request For Reimbursement of Application Fees

Minor Variance Application No. A08-2009

Owner/Applicant: Cameron and Joanne Kennedy

Legal description of Subject Property: Part Lots 4 & 5, Plan 395;

Poplar E/S

Civic Address: 30 Cottage Avenue

- Cam and Joanne Kennedy, owner/applicants, were in attendance. Mr. Kennedy gave justification for reimbursement of his 2009 application fee;
- back when application was made, May 2009, he was under the impression that the Towns' Planning and Building Dept's were there to assist in any way they could and to provide all relevant information;
- he felt he was not told that if he took the average of the setbacks from each side of the neighbours that a minor variance would not be necessary;

- he became aware of this when he applied for a building permit.

Discussion was had where it was noted that Mr. Kennedy is coming back to the Committee two years after-the-fact and that regardless of the outcome of the application, the minor variance application went through the full process, which entailed time and costs to the Town.

Bryan Pearce, Town Planner, explained the regulations of the Town of Thornbury Zoning By-law with regard to averaging. As well, the established building line is the onus of the applicant to establish the setback. He noted that he was, and is, well aware of the regulations and is versed in the Thornbury Zoning By-law.

Recommendation:

Moved by: Bill Remus

Seconded by: David Morgan

“THAT the Committee of Adjustment GRANT the reimbursement of fifty percent (50%) of the said \$900 application fee, for Minor Variance Application A08-2009”.
Carried.

E.2 Update on Appeal to Ontario Municipal Board - Minor Variance Application No. A08-2011

Owner/Applicant: Tina Passero

Agent: Andrew Pascuzzo, D.C. Slade Consultants Inc.

Legal Description of Subject Property: Lot 46, Plan 1127

- on August 8, 2011 Council passed a Deeming By-law.
- letter dated August 29, 2011 from DC Slade Consultants to the Ontario Municipal Board withdrawing the minor variance application;
- notification from the Ontario Municipal Board dated August 30, 2011 stating that the appeal is allowed and the variance not authorized.

E.3 2011 OACA Seminar

Hosted By: Perth County; Location: Stratford, Ontario

Date: September 29 and 30, 2011

- All three Committee members will be attending the Seminar in September.

F. **Next Meeting Date** – October 20, 2011

G. **Adjournment:**

Moved by: David Morgan

Seconded by: Robert Waind

THAT this Committee of Adjustment meeting now be adjourned. Carried.